IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2007

CORAM:

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

Writ Petition No.35434 of 2007

V.Lilly Gloria Vimala ... Petitioner

.Vs.

1.The Director of Teacher Education
Research & Training, DPI Compound,
Chennai - 6.

2.The Principal,
District Teachers Education
Training Centre, Vadalur,
Cuddalore District.

3.The Principal,
Loyola Teacher Training Institute,
Lamp House, Krishnakuppam,
Kullanchavadi - 607 301,
Cuddalore Taluk & District. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to permit the petitioner to sit and write first year Teacher Training Examination to be held in the first week of December 2007.

For Petitioner : Mr.C.Prakasam
For Respondents : Ms.Dakshayini Reddy
Government Advocate

O R D E R

Ms.Dakshayini Reddy, learned Government Advocate takes notice for the respondents.

2.This writ petition has been filed for a direction to direct the respondents to permit the petitioner to sit and write first year Teacher Training Examination to be held in the first week of December 2007.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3.The petitioner claimed herself to be a deserted woman and she joined the third respondent training institute on 05.07.2005 for Teacher Training Course (Diploma in Teacher Training). According to her in the application for admission, she has mentioned her date of birth as 16.07.1974. In the first year examination held in September 2006, the petitioner was not allowed to write the examination on the ground that she has crossed the age of 30 years. In those circumstances, the petitioner approached this Court in W.P.No.30251 of 2006 to quash the refusal order and to include her in the list submitted by the third respondent to fill up the vacancy available with the third respondent herein under the category of deserted women quota, since maximum age limit was fixed as 40 years for deserted women and therefore, she would be entitled to write examination.

4.The said writ petition came to be allowed by order of this Court dated 08.09.2006 holding that the petitioner was entitled to succeed and the petitioner has not suppressed her date of birth and had been admitted by the third respondent institute and the third respondent having admitted her and having allowed her to undergo the course, the petitioner was put to a loss of one academic year. The affidavit filed by her that she is deserted by her husband is not disputed and if so, for a deserted women, the maximum age limit is 40 years and held that the petitioner has the required age limit.

5.The third respondent has filed a writ petition in W.P.No.48900 of 2006 against the Director of Government Examinations and others to direct the second respondent to permit the petitioner herein who has undergone first year course in D.T.Ed., in Loyola Teacher Training Institute, for the academic year 2005-2006 to sit and write for the examination which was to be conducted from 18.12.2006 and on subsequent dates and publish the petitioner's result thereafter. While disposing of the writ petition by order dated 15.12.2006, the learned single Judge of this Court has dismissed the writ petition filed by the third respondent management stating that in the application filed by the petitioner herein for admission, her husband had signed on her behalf and therefore, she cannot be claimed as a deserted woman.

6.However, it is seen that in W.P.No.48900 of 2006, filed by the third respondent management, the present writ petitioner was not made as a party. In these circumstances, the present writ petition has been filed by the petitioner herein for a direction, to direct the respondents to permit her to sit and write the first year Teacher Training Examination to be held in the first week of December 2007.

7.On the face of it, when by order dated 08.09.2006, this Court has already held that the petitioner is a deserted woman and therefore, her application would be proper. It is seen that the second order made in

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

W.P.No.48900 of 2006 dated 15.12.2006, the permission sought for by the third respondent management to permit the petitioner herein to write examination has been rejected on the basis that the petitioner is not a deserted woman.

8.It is relevant to point out that in the order passed by this Court in W.P.No.48900 of 2006 dated 15.12.2006, the petitioner herein is not a party. In these circumstances, no relief can be given in this writ petition. However, it is open to the petitioner to work out her remedy either by way of impleading herself as a party in W.P.No.48900 of 2006 or by way of filing a review application to put forth her contentions.

9.The writ petition is ordered on the above terms. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

jbm

To

1.The Director of Teacher Education
Research & Training, DPI Compound,
Chennai - 6.

2.The Principal,
District Teachers Education
Training Centre,
Vadalur, Cuddalore District.

3.The Principal,
Loyola Teacher Training Institute,
Lamp House, Krishnakuppam,
Kullanchavadi - 607 301,
Cuddalore Taluk & District.

WEB COPY

1 cc To Mr.C.Prakasam, Advocate, SR.69136.
1 cc To The Government Pleader, SR.69109.

W.P.No.35434 of 2007

VRK(CO)
RVL 27.11.2007

https://hcservices.ecourts.gov.in/hcservices/